



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5197-99

21 June 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 27 April 1978 at age 17. During 1979 you received nonjudicial punishment on two occasions for an absence from your appointed place of duty and a uniform violation. On 4 November 1980 you were convicted by a special court-martial of an unauthorized absence of about 37 days. The sentence of the court included confinement at hard labor for two months. You subsequently served about 50 days in confinement. A second special court-martial convened on 28 October 1982 and convicted you of two periods of unauthorized absence totaling about 182 days. You subsequently served about 48 days of confinement.

You were released from active duty on 28 March 1982 with your service characterized as being under honorable conditions. Subsequently, you were issued a general discharge at the end of your military obligation.

You contend in your application that the DD Form 214 is in error in that it should show two days of lost time rather than about 200 days of lost time.

As indicated in the foregoing, the record clearly shows that you were an unauthorized absentee on three occasions totaling about 219 days and you spent 98 days in confinement. Although there appears to be some error in the amount of lost time on your DD Form 214, any correction would result in an increase in the amount of lost time. The Board concluded that a correction in your record was not warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director